



July 26, 2017

Sent via efile

<b>BC HYDRO INQUIRY OF EXPENDITURES</b>
<b>SAP PLATFORM                      EXHIBIT A-20</b>

**To:** British Columbia Hydro and Power Authority  
Registered Interveners

**Re: British Columbia Hydro and Power Authority  
Inquiry of Expenditures related to the adoption of the SAP Platform  
British Columbia Utilities Commission Action on Complaint - Project 1598878**

On June 28, 2017, pursuant to British Columbia Utilities Commission (Commission) Order G-86-17, British Columbia Hydro and Power Authority (BC Hydro) submitted a confidential filing to the Commission in hard copy only. The confidential filing included the 2010 Code of Conduct Complaint (2010 Complaint), approximately 100 documents related to the resolution of the 2010 Complaint, and documents related to a review of the 2010 Complaint which was undertaken by BC Hydro in 2016 (Code of Conduct Filing). In a separate, non-confidential cover letter to the Code of Conduct Filing, BC Hydro requested confidential treatment of all the information contained in the Code of Conduct Filing, submitting that this is necessary to protect the privacy of personal information and mitigate harm to BC Hydro's Code of Conduct reporting program. BC Hydro also provided, as an attachment to the non-confidential cover letter, a letter dated June 22, 2017 from BC Hydro's Ethics Officer.

On July 11, 2017, the Commission responded to BC Hydro's request for full confidentiality of the Code of Conduct Filing, raising concerns about the need for full confidentiality and the potential lack of transparency which would result from the approval of such a request. The Commission therefore stated that it would come forth with a proposal for what information should be redacted in the Code of Conduct Filing and that BC Hydro and interveners' legal counsel who have signed the Commission's Confidentiality Declaration and Undertaking Form would have the opportunity to comment on the Commission's proposals.

The Commission reviewed the provisions of BC Hydro's Code of Conduct as set out in the letter dated June 22, 2017 from BC Hydro's Ethics Officer. Those Code of Conduct provisions provide protection for the individual disclosing a possible breach of the Code. The provisions do not promise nor address the issue of any protection of the identity of the subject of the complaint or the individuals investigating it.

The Commission also reviewed BC Hydro's request for confidentiality in accordance with the Rules of Practice and Procedure approved by Order G-1-16 that provides guidance with regard to confidential documents. In particular, the Commission references the following sections:

18.02 The party requesting confidentiality bears the onus of establishing why the information should be treated as confidential by the Commission.

20.01(c) In determining whether the nature of the information or documents require a confidentiality direction, the Commission will have regard to matters that it considers relevant, including whether the person's interest in confidentiality outweighs the public interest in the disclosure of the information or documents in the hearing.

The underlying premise of the Commission's approach to its proposed redactions is that no information should be kept confidential without a fully substantiated justification of the need for confidentiality. The Commission has also considered the following factors when assessing the need for confidentiality:

- the complainant in the Code of Conduct Filing, through legal counsel, has consented to the public disclosure of the 2010 Complaint on an anonymous basis;
- the identity of the individual who is the subject of the 2010 Complaint has already been made public in the proceeding;
- numerous other email correspondences among BC Hydro employees (both current and former employees), all of whose names were left unredacted, were provided by BC Hydro in non-confidential responses to information requests filed in this proceeding; and
- a number of the documents provided as part of the Code of Conduct Filing have already been provided non-confidentially in this proceeding.

In consideration of the above factors, the Commission proposes that redactions to the Code of Conduct Filing be limited to the following information:

- Personal contact information, including personal email addresses and phone numbers. Note that this does not include redaction of individuals' names;
- Personal details of individuals' and individuals' families' private lives;
- Commercially sensitive or proprietary information, such as financial or other contract information which is not publicly available; and
- Information which may pose a security risk to BC Hydro.

The Commission has provided confidentially in hard copy a letter detailing the proposed redactions to the Code of Conduct Filing to BC Hydro and to interveners' legal counsel who have signed the Commission's Confidentiality Declaration and Undertaking Form.

As stated in the Commission's July 11, 2017 letter, BC Hydro and the applicable parties have until Wednesday, August 9, 2017 to respond to the Commission's proposals.

Sincerely,

*Original signed by Nhi Do for:*

Patrick Wruck  
Commission Secretary

SW/cms  
Enclosure